

REMARKS

The Examiner made the Office Action final indicating that the “new ground(s) of rejection as necessitated by applicant’s amendments.” Page 2, Para. 2, Office Action. Applicant respectfully disagrees with the Examiner’s conclusion that it any amendment by the Applicant necessitated a new ground of rejection. One of the Examiner’s rejections is based on 35 U.S.C. §112, that is, the specification is claimed not to be enabling. However, Applicant did not change or amend the specification. Therefore, it is respectfully requested that the Examiner withdraw the finality of the rejection based on 35 U.S.C. §112.

The Examiner further rejected claims 10, 12 and 13 based on 35 U.S.C. §103. However, it is respectfully submitted that the features of those claims which the Examiner has rejected were present in the Applicant’s original claims. Therefore, it is respectfully requested that the Examiner withdraw the finality of the rejection based on 35 U.S.C. §103.

The Examiner rejected Claims 10, 12 and 13 based on 35 U.S.C. §112 stating that the specification “does not reasonably provide enablement for the additional tube section having a diameter that is larger than the diameter of the distal end of the first tube section.” Claim 10 is the only remaining independent claim. It reads as follows (showing the previous and current amendment to the claim):

10. (Amended). An improved telescoping stun gun comprising:
 - a. a first tube section having a base section and a distal end, said first tube section comprising a power source electrically connected to a voltage step-up circuit having an output of stepped-up voltage relative to the power source;

b. ~~at least one additional tube section having a proximal end and a distal end and being disposed within the first tube section, and having a connection means to connect to the first tube section, said distal end comprising an conductive probe electrically connected to the output of the step-up circuit, said probe for delivering a high-voltage shock~~ at least one additional tube section having a proximal end and a distal end and being disposed within the first tube section ~~said distal end comprising a~~ conducting probe electrically connected to the output of the step-up circuit, said probe for delivering a high-voltage shock, said proximal end of said at least one additional tube section having a diameter that is larger than the diameter of the distal end of the first tube section;

d. ~~deployment means to extend said at least one additional tube section from its position as being disposed within the first tube section to an extended position whereby the connection means connects the distal end of the first tube section to the proximal end of the at least one additional tube section;~~

c. deployment means to extend said at least one additional tube section from its position as being disposed within the first tube section to an extended position whereby, when in the extended position, the proximal end of the at least one additional tube section frictionally connects to the distal end of the first tube section;

d. a first conductive lead electrically connected to the probe, said first conductive lead attached directly to the outside of the at least one additional tube section.

As shown above, the claim does not recite that the additional tube section has a diameter larger than the first tube section. Rather it recites, as emphasized in italics, that

“said proximal end of said at least one additional tube section having a diameter that is larger than the diameter of the distal end of the first tube section.”

As emphasized, it is the proximal end of the additional tube section that has a diameter that is larger than the diameter of the distal end of the first tube section. That particular feature allows the additional tube section to be deployed without being ejected from the first tube section. As stated in claim 10 the proximal end of the additional tube section *frictionally connects* to the distal end of the first tube section. As shown throughout the drawings and described in numerous places in the specification, this can be accomplished by nesting tube sections having tapers. As is stated in the specification at page 8, lines 11-13, it also can be accomplished by tube sections with “a taper at or near the end of each tube section.”

In view of the foregoing, it is respectfully submitted that the description and drawing fully describe and enable the present invention as claimed.

The Examiner also rejected Claim 12 based on 35 U.S.C. §112 stating that the specification does not provide enablement for the conductive lead being placed along the exterior of the first tube section.

The Examiner stated that she believed this limitation to include “the exterior of the portion that the user *was supposed to hold.*” Claim 12 states that the second conductive lead is “placed along the exterior of the first tube section.” It is respectfully submitted that the Examiner has read a limitation into the claim that is neither stated nor implied. For example, the claim does not state that the conductive lead necessarily is placed along the *length* of the first tube section. In fact, that particular limitation was removed from Claim 12 by previous amendment. Further, the claim has never stated or

implied that the lead is necessarily placed along the *entire* length. Additionally, in drawing Figures 4 & 5 (which show the particular embodiment that was elected), conductive leads 12a and 13a are shown placed along the exterior of the first tube section 2a, but not along the *length* of the tube section, and certainly not along the *entire length* of the tube section. Therefore, there is disclosed a place for a user to grip the device of the present invention without fear of being disabled when attempting to defend him or herself. Finally, it is axiomatic that one does not need to describe unnecessary features in a patent application. It is respectfully submitted that a person of ordinary skill in the art would know not to place conductive leads that carry an incapacitating voltage in the position where the user holds the device.

It is respectfully submitted that the specification provides enablement for Claim 12. There being no other rejection of claim 12 currently pending, it is respectfully submitted that claim 12 is in condition for allowance and the applicant earnestly solicits the same.

The Examiner rejected claims 10 and 13 based on 35 U.S.C. § 103 as being unpatentable over Bartel and Abildgaard et al. It is respectfully submitted that the rejection under 103 is an admission that no single patent currently cited by the Examiner teaches all of the features of the claimed invention.

It is further respectfully submitted that the art the Examiner has cited does not disclose a conductive lead as defined by the claims in the present invention. First, the art discloses cattle prods. Cattle and other herd animals cannot grab the prod. Therefore, there is no need for, nor would there be any disclosure about, conductive leads that extend along the exterior of the tube sections.

For example, in Bartel, no tube section is externally electrified. The electrodes 11 extend from the end of the head portion. The head portion further includes a core 9, made of non conductive material, Col. 2, Lines 20-21, that *separates* the electrodes 14 from the stem 2. The head portion disclosed by Bartel would be most analogous to the “probe” of claim 10 that is at the end of the stun gun of the present invention. Claim 10 not only claims a probe, but also specifically includes the feature of “a first conductive lead ... *attached directly to the outside* of the at least one additional tube section.” Bartel shows only an electrode 14 attached to the core and not attached to the stem 2. In fact, Bartel teaches away from electrodes attached to the stem as the stem is made of a conductive material. If it were not there would be no teaching that the core 9 should be made of a non-conductive material. Therefore, it is respectfully submitted that Bartel does not teach or disclose the features of claim 10.

Abildgaard et al, discloses only internal wiring. It further includes a slot and key system (37, 38) to prevent the sections from rotating radially. The Examiner submits that the frictional connection claimed in claim 10 is taught by the clamping engagement of Abildgaard. However, it is respectfully submitted that the requirement of a slot 38, key 37, slits 12a, a threaded tube 12, Col. 2, Lines 7-8 e, to receive a knurled clamping nut 36, that is taught by Abildgaard to connect the tube sections, is a mechanical connection that requires manual manipulation. In sharp contrast, the present invention with a simple flick of the wrist, will deploy and lock into place automatically, as claimed. Abildgaard did not contemplate the need in self-defense situations to be able to rapidly access a defense weapon. To include the features of Abildgaard would negate the ability of a user

to quickly respond. Therefore, it is respectfully submitted that the features of Abildgaard do not teach a frictional connection.

It is respectfully submitted that neither reference contains any suggestion to combine as suggested by the Examiner. If a suggestion exists, it would only be to obtain a longer prod. However, in sharp contrast to the present invention, there is no suggestion of quicker deployment. As noted above, the art discussed by the Examiner refers to cattle prods, not self-defense weapons. The design features for those distinct categories of inventions are motivated by entirely different needs. Accordingly, there would be no suggestion found in either Bartel or Abildgaard about the need for rapid deployment.

Moreover, combining the features shown in Abildgaard and Bartel would not produce the present invention. First, neither invention discloses external, exposed, conductive leads attached to the tube sections. Second, the locking mechanism of Abildgaard requires numerous components, and manual manipulation. Manual manipulation would defeat the purpose of possessing a rapid deployment self defense weapon as disclosed in the present invention. Further, if the locking mechanism of Abildgaard was used, and manual manipulation was required, the user would be required to disarm the weapon in order to grab the shaft. In the event the user forgot to disarm the weapon (which might occur in the heat of the moment), the user can expect a disabling shock upon grabbing the shaft. Third, neither prod can be deployed with only inertial energy (flick of the wrist).

It is respectfully submitted that the claims presently pending in the captioned application define allowable subject matter in view of the amendments and remarks herein. An early and favorable notice to that effect is earnestly solicited.

Respectfully Submitted,

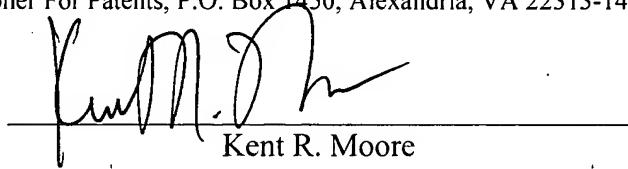


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I hereby certify that this document, Amendment and Response, is being deposited with the United States Post Office as first class mail on October 7, 2005, postage prepaid, in an envelope addressed to:
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